IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

FRIDAY, THE 16TH MARCH 2007 / 25TH PHALGUNA 1928

WP(C).No. 7197 of 2007(F)

PETITIONER:

SAJEEV KUMAR.P., PITTANTAVIDA HOUSE,
P.O.PATHAYAKUNNU, PATTIYAM, PUTHIYATHERU.

BY ADV. SRI.I.DINESH MENON

RESPONDENTS:
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1. **THE REGIONAL TRANSPORT AUTHORITY,**
   VADAKARA.

2. **THE SECRETARY,**
   REGIONAL TRANSPORT AUTHORITY,
   VADAKARA.

BY GOVERNMENT PLEADER SMT. N. SUDHADEVI

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 16/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC.NO.7197/2007 F

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: **COPY OF THE RENEWAL APPLICATION SUBMITTED BY THE PETITIONER DTD. 9/01/2007.**

EXT.P2: **COPY OF THE CHALAN SHOWING THE REMITTANCE OF FEE DTD. 9/01/2007.**

EXT.P3: **COPY OF THE ORDER RETURNING THE RENEWAL APPLICATION DTD. 16/01/2007.**

/TRUE COPY/

KSS

K.BALAKRISHNAN NAIR, J.

W.P.(C).No.7197 of 2007-F

Dated this the 16th day of March, 2007

JUDGMENT

The petitioner is having a regular permit on the route Kuthuparamba-Kozhikode via Vatakara and Koyilandy. The existing permit is valid upto 10-7-2007. It means it was renewed on 10-7-2002. He submitted Ext.P1 application dated 9-1-2007 for renewal of that permit. But, the said application was returned by Ext.P3 endorsement to the effect that 'the application submitted is too early'. The petitioner submits, the application was re-presented by him on 23-2-2007. But, the same was again returned stating that the application is filed too early as evident from the endorsement made in Ext.P1. The petitioner submits, in this case, the primary R.T.A. is R.T.A. Vatakara. For renewal of the permit concurrence from the R.T.A. Kannur and R.T.A. Kozhikode will be necessary. There is normal inordinate delay from the sister Regional Transport Authorities to obtain concurrence. Therefore, the application has been submitted sufficiently earlier. So, he prays for a direction to the first respondent to receive the application, process the same and dispose of it, in accordance with law. The stand of the respondents is that the application submitted is too early and even if there is delay in getting

the concurrence of the sister Regional Transport Authorities, the petitioner can operate the service on the strength of the temporary permit issued under Section 87 (1) of the Motor Vehicles Act.

2. I heard the learned counsel on both sides. The relevant statutory provision dealing with Section 81 (2) which reads as follows:-

> " A permit can be renewed on an application made not less than 15 days before the date expires."

3. According to the respondents, the petitioner need submit renewal application only on the eve of its expiry. But, the petitioner points out that having regard to the delay in getting the concurrence of the sister Regional Transport Authorities, he has submitted the application in time. Renewal of a permit pre-supposes expiry of the permit. The validity of the permit was 5 years. It is going to expire in July, 2007. So, only about 4 months are remaining. So, having regard to the life of a permit which is 5 years it can be said that the permit is going to expire even if the remaining period is about 4 or 5 months. The delay from the part of the sister Regional Transport Authorities to grant concurrence is a matter which this Court can take judicial notice of. I am also told that the R.T.A.,Kozhikode seldom meets and its last meeting was in July, 2006. In view of the above

circumstances it cannot be said that the petitioner has applied for renewal ahead of the normal submission of application. There is no time limit prescribed for submitting the application except that it should be submitted at least 15 days before the expiry of the permit. So, in this case, the submission of the application made by the petitioner is in time having regard to the total life of the permit.

Accordingly, the Writ Petition is allowed. The second respondent is directed to receive the application and move for concurrence of the sister Regional Transport Authorities and place it before the first respondent as expeditiously as possible.

K.BALAKRISHNAN NAIR, JUDGE.

MS